



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/772,445
Applicant : KLEINMAN et al.
Filed : January 29, 2001
TC/A.U. : 1654
Examiner : B. Chism

Docket No. : 2600-109
Customer No. : 06449
Confirmation No. : 1045

DECLARATION UNDER 37 CFR §1.131

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

WE, Hynda K. Kleinman, Allan L. Goldstein, Katherine M. Malinda and Gabriel Sosne, declare as follows:

1. We are the same Hynda K. Kleinman, Allan L. Goldstein, Katherine M. Malinda and Gabriel Sosne named as inventors in the above-identified U.S. patent application.
2. Attached hereto as composite Exhibit A are copies of notes and notebook pages, the originals of which were prepared prior to December 19, 1997, although the actual dates have been deleted on the attached copies. The experiments set forth in Exhibit A were conceived, supervised and/or conducted by us in the United States. The notes presented in composite Exhibit A show experiments on rats receiving punch wounds, in which Thymosin beta 4 (T β 4) was administered to the wounded rats topically (directly) or by IP injection, to promote wound healing in the rats. The Exhibit A notes indicate that T β 4 promoted wound healing in the wounded rats, with increased cell migration, increased cell proliferation, complete epithelialization and new vascularization. The experiments recorded in the notes of composite Exhibit A were performed in the United States, and establish conception and reduction to practice of the

invention set forth in the claims of the present application prior to December 19, 1997.

3. We further declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Hynda K. Kleinman

Date

Allan L. Goldstein

Date

Katherine M. Malinda

Date

Gabriel Sosne

1/18/08

Date